



भारत का राजपत्र

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PART II—Section 2

प्राप्तिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the
10th May, 1968:—

1

BILL No. XVI of 1968

A Bill further to amend the Criminal Law Amendment Act, 1932.

Be it enacted by Parliament in the Nineteenth Year of the
Republic of India as follows:—

1. This Act may be called the Criminal Law Amendment (Amendment) Act, 1968.
Short title.
- 2 In section 7 of the Criminal Law Amendment Act, 1932, after Amendment of
sub section (1), the following sub-section shall be inserted, namely:-
section 7.

“(1A) Notwithstanding anything contained in sub-section (1) of this section, the carrying on of all peaceful activities necessary to advance the interest of workers in a trade dispute by Trade Unions shall not be deemed to be an offence under this section.”.

STATEMENT OF OBJECTS AND REASONS

Article 19 of the Constitution guarantees the right of freedom of speech and expression and to assemble peacefully and also to form unions as a Fundamental Right. Trade Unions have, therefore, an inherent right to carry on peacefully all their legitimate activities which are necessary to advance the interest of the workers. The provisions of section 7 of the Criminal Law Amendment Act, 1932, were invoked and continue to be invoked in industrial disputes with the object of curbing the legitimate activities of the Trade Unions, and are, therefore, inconsistent with the spirit of the Constitution and harmful to the growth of Trade Union movement in the country.

This Bill seeks to exempt peaceful activities in connection with trade disputes by Trade Unions from the mischief of section 7 of the said Act.

CHITTA BASU.

II

BILL NO. X OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, Short app. 1968.
2. In the Fourth Schedule to the Constitution, in the Table,—
 - (a) in entry 15, against "West Bengal", for the figures "16" Amendment of the
the figures "21" shall be substituted; Fourth Schedule.
 - (b) for the figures "228" the figures "233" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The number of seats in the Council of States allotted to West Bengal in the Fourth Schedule to the Constitution is inadequate for its full representation. During the recent years, the population of the State of West Bengal has increased considerably and the total number of seats in the Legislative Assembly of that State has also been raised from 252 to 280. However, the number of seats allotted to the State of West Bengal in the Council of States remains the same, namely 16. It is felt that the number of seats allotted to the State of West Bengal in the Council of States should be increased from 16 to 21 not only in view of the increased population of that State but also to enable its Legislative Assembly to elect seven persons at each Biennial election to the Council of States.

Hence this Bill.

BIREN ROY

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for allotment of five more seats to West Bengal in the Council of States. The provisions of the Bill, therefore, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. Besides the expenditure that will have to be incurred for the arrangement for election of the new members, it is estimated that a recurring expenditure of approximately one lac and thirtythree thousand rupees per annum will have to be incurred on account of the T.A., D.A., and salaries of the new members. Some expenditure will also have to be incurred on account of expenses for medical treatment and other amenities as admissible to the Members under the rules. It is not possible to anticipate at this stage how much the expenses will be under this item.

III

BILL NO. IV OF 1968

A Bill further to amend the Representation of the People Act, 1951.

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Representation of the People (Amendment) Act, 1968.

Insertion of new Chapter IVAA in Part VI. 2. In Part VI of the Representation of the People Act, 1951, after Chapter IVA, the following Chapter shall be inserted, namely:— *43 of 1951.*

“CHAPTER—IVAA

TRANSFER OF ELECTION PETITIONS

Transfer by Supreme Court of

116D. Whenever it appears to the Supreme Court, on an application made to it or *suo motu*, that an order under this

section is expedient for the ends of justice, it may direct transfer of any election petition pending in any High Court to any other High Court or where the petition is being tried by a single Judge of any High Court to another Judge of the same High Court:

Provided that an application for the transfer from one Judge of the High Court to another Judge of the same High Court shall not be entertained unless an application in this behalf which has previously been made to the Chief Justice of that High Court has been dismissed by him".

STATEMENT OF OBJECTS AND REASONS

There is no provision in the Representation of the People Act, 1951, for the transfer of an election petition which is pending in a High Court to any other High Court, or from one Judge of the High Court to another Judge of the same High Court, if a party has any grievance against the particular High Court, or against the particular Judge.

This Bill seeks to fill in this lacuna.

NIRANJAN VARMA

IV**BILL NO. XII OF 1968***A Bill further to amend the Indian Penal Code, 1860.*

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Short title. Act, 1968.
- 2.. In section 324 of the Indian Penal Code (hereinafter referred to as the principal Act), the words "or any corrosive substance" shall be omitted. Amendment of section 324

Inser-
tion of
new sec-
tion 324A.

Volun-
tarily
causing
hurt by
means of
corrosive
substance.

Amend-
ment of
section
326.

Inser-
tion of
new sec-
tion 326A.

Volun-
tarily
causing
grievous
hurt by
means of
corrosive
substance.

3. After section 324 of the principal Act, the following new section shall be inserted, namely:—

“324A. Whoever voluntarily causes hurt by means of any corrosive substance shall be punished with rigorous imprisonment for a term not less than three years and shall also be liable to fine.”

4. In section 326 of the principal Act, the words “or any corrosive substance” shall be omitted.

5. After section 326 of the principal Act, the following new section shall be inserted, namely:—

“326A. Whoever voluntarily causes grievous hurt by means of any corrosive substance shall be punished with imprisonment for life and shall also be liable to fine.”

STATEMENT OF OBJECTS AND REASONS

Of all the offences affecting human body, throwing of acids is the most heinous. It not only destroys the happiness of the human being against whom such offence is committed, but also ruins the entire family. Of late, an increase in the incidence of such crime is being noticed. Only a highly deterrent punishment can check such crimes.

Hence this Bill.

G. R. PATIL.

V

BILL No. XXV OF 1967

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Amendment) Act, 1968.

**Amend-
ment of
article 85.** 2. In article 85 of the Constitution, after clause (1), the following proviso shall be inserted, namely:—

“Provided that during any period intervening between the last sitting in one session and the first sitting of the next session of the House of the People, if not less than one-third of the members of that House give^d a notice of motion of no-confidence in

the Council of Ministers to the Speaker of that House, the President, shall summon that House within ten days of the receipt of such notice at such time and place as he thinks fit."

3. In article 174 of the Constitution, after clause (1), the following proviso shall be inserted, namely:—

Amend-
ment of
article

"Provided that during any period intervening between the last sitting in one session and the first sitting of the next session of the Legislative Assembly of a State, if not less than one-third of the members of that House give a notice of motion of no-confidence in the Council of Ministers to the Speaker of that House, the Governor shall summon that House within ten days of the receipt of such notice at such time and place as he thinks fit."

STATEMENT OF OBJECTS AND REASONS

According to the Constitutional provisions and practices the Parliament at the Centre or the Legislature in the States can be summoned by the President or the Governor, as the case may be, on the advice of the Council of Ministers. If the Council of Ministers do not want to summon the Legislature for whatever reason up to the period of six months after a session is over, they can easily do it, because according to articles 85(1) and 174(1) of the Constitution "six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session". But if, during this intervening period, the Council of Ministers lose their majority in the House and the opposition Members want to table and to discuss a vote of no-confidence against the Council of Ministers, there is no constitutional provision under which the Legislature can be summoned. The Council of Ministers about whose majority in the House a doubt has arisen may thereby continue for a pretty long time without any trial of strength. This may give rise to further constitutional complications.

In order to remedy this situation, the Bill seeks to amend the Constitution.

BANKA BEHARY DAS.

VI

BILL NO. IX OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, Short title 1968.
2. In article 316 of the Constitution, in clause (2), for the words Amend-
“sixty years” the words “sixty-two years” shall be substituted.
ment of
article
316.

STATEMENT OF OBJECTS AND REASONS

The Constitution had fixed the age of retirement of Judges of the Supreme Court and members of the Union Public Service Commission at sixty-five years and that of puisne Judges of High Courts and members of the State Service Commissions at sixty years. Thus, so far as the age of retirement was concerned, the Constitution envisaged parity between Judges of the Supreme Court and members of the Union Public Service Commission on the one hand, and Judges of the High Courts and members of the State Public Service Commissions, on the other.

The Constitution (Fifteenth Amendment) Act, 1963 has now raised the age of retirement of Judges of High Courts to sixty-two years. Therefore, in order to restore the parity originally envisaged by the Constitution, the age of retirement of members of the State Public Service Commissions should also be raised to sixty-two years.

Hence this Bill.

N. R. MUNISWAMY,

VII**BILL NO. XVII OF 1968**

A Bill to provide for the training and employment of Engineering Graduates and Diploma-holders and for matters connected therewith.

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Engineering Graduates and Diploma-holders (Training and Employment) Act, 1968.
Short title,
extent and
commen-
cement.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Defini-
tions.

2. In this Act, unless the context otherwise requires—

(a) “appropriate Government” means—

(i) in relation to areas administered by the Central Government and the Union Territories, the Central Government;

(ii) in relation to a State, the State Government;

(b) “designated trade” means a trade which the Central Government may, by notification in the Official Gazette, specify as a designated trade for the purposes of this Act;

(c) “diploma-holder” means a person who holds a diploma or its equivalent in any branch of engineering granted by any institution recognised by the appropriate Government;

(d) “employer” means any person who employs one or more other persons to do any work in an establishment for remuneration and includes any person entrusted with the supervision and control of employees in such establishment;

(e) “engineering graduate” means a person who holds a degree or its equivalent in any branch of engineering granted by any institution recognised by the appropriate Government;

(f) “establishment” includes any place where any industry is carried on;

(g) “establishment in private sector” means an establishment which is not in public sector;

(h) “establishment in public sector” means an establishment owned, controlled or managed by—

(1) the appropriate Government or a department thereof;

(2) a Government company as defined in section 617 of the Companies Act, 1956;

(3) a corporation (including a co-operative society) established by or under a Central or State Act, which is owned, controlled or managed by the Government;

(4) a local authority;

(i) “industry” means any industry, trade, business or occupation in which any trade may be specified as a designated trade;

(j) “prescribed” means prescribed by rules made under this Act.

3. (1) Notwithstanding anything to the contrary in any other law for the time being in force, it shall be the duty of the appropriate Government to arrange for the training of every engineering graduate and diploma-holder (hereinafter referred to as the trainee) for such period as may be prescribed in any designated trade in any industry, and for this purpose to provide or secure the provision of such courses and facilities (including residential accommodation) for the trainees.

Industrial training.

(2) No trainee who has not completed the period of training as aforesaid shall be eligible for employment in any establishment either in private sector or in public sector except through competitive examinations as may be prescribed.

(3) Every trainee shall be paid such stipends or other allowances as may be prescribed during the period of such training.

4. (1) Every trainee, who has completed the period of training, shall appear for a test to be conducted by the appropriate Government to determine his proficiency in the designated trade in which he has undergone training, and upon his passing such test shall be granted a certificate of proficiency in the trade.

Holding of tests and grant of certificates and conclusion of training.

(2) For the purpose of obtaining employment, the time spent by a trainee during his training shall be deemed to be the time spent on gaining experience of the trade.

5. It shall be the duty of the appropriate Government to maintain a Register of trainees who have successfully undergone training under section 3 and have been granted certificates of proficiency under sub-section (1) of section 4.

Central Registry.

6. (1) From the date of commencement of this Act, no appointment to the posts requiring requisite knowledge and skill in any branch of engineering shall be made in the establishments in the private sector or in the establishments in the public sector except from among the trainees whose names are contained in the Register maintained under section 5.

Employment of successful trainees.

(2) For the purpose of sub-section (1), the appropriate Government may require employers in the private and public sector industries to furnish such returns and other information and keep such records as may be prescribed and produce them for examination as may appear to the appropriate Government to be necessary for the purposes of this Act.

Penalties. 7. Any contravention of section 6 of this Act shall be punishable with a fine not exceeding one thousand rupees or with imprisonment for a term not exceeding one year or with both.

Repeal. 8. The Apprentices Act, 1961 shall cease to have effect in relation to matters to which this Act applies.

52 of 1961.

Power to make rules. 9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Rules made under this Act may provide that a contravention of any such rule shall be punishable with fine not exceeding one hundred rupees.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Engineering graduates and diploma-holders in this country are facing a serious situation on account of continued and rising unemployment. This has agitated the mind of every one. The country is facing many serious economic problems; hence it is necessary to devise methods of utilising national talent and national energy without allowing it to go waste. There has been no systematic or scientific assessment of job opportunities for qualified engineers in this country; nor is there any co-ordination between the training and requirements of particular trades. This Bill seeks to provide for the compulsory training of the engineering graduates and diploma-holders in designated trades so that they may acquire experience in the trade, and for the employment of such trained persons in private and public sector industries.

M. P. BHARGAVA.

FINANCIAL MEMORANDUM

The Bill provides for the compulsory training of engineering graduates and diploma-holders, for the maintenance of a Central Registry for such trained personnel and for their employment in industries in private and public sectors by appropriate Governments. In the case of Central Government, the provisions of the Bill, if enacted and brought into operation, will involve expenditure both initial and recurring from the Consolidated Fund of India. It is of course not possible to assess at this stage the amount of the expenditure involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 9 empowers the Central Government to make rules for carrying out the purposes of the Bill. Sub-clause (2) provides that rules made under this Act may provide that a contravention of any such rule shall be punishable with fine not exceeding one hundred rupees. The delegation of power to impose a fine under Sub-clause (2) is necessary for the proper enforcement of rules made under sub-clause (1). Otherwise, the rule making powers delegated to the Central Government are of a normal character.

B. N. BANERJEE,
Secretary.



